

Amendments to the Drawings:

Enclosed are proposed drawing corrections to Figure 2. No new matter has been added.

REMARKS

This amendment is offered in response to the Office Action of April 19, 2005.

It is respectfully submitted that this amendment will require neither a new search nor substantial reconsideration.

Claim 16 is now indicated as “original” and dependent upon Claim 15.

In response to the objection under Rule 83(a), a revised Figure 2 has been included to show the forming box in broken lines, thereby indicating that the packaging film is being fed about the exterior of the forming box top. Moreover, as Claim 1 has been amended to recite that the longitudinal side marginal portions of said film are guided by (rather than “within”) said guide bars, it is respectfully submitted that no drawing revisions are required in this regard.

It is therefore respectfully submitted that the objection under Rule 83(a) is resolved.

Similarly, it is respectfully submitted that the amendment of Claim 1 to recite that the longitudinal side marginal portions of said film are guided by (rather than “within”) said guide bars resolves the rejection under 35 U.S.C. §132(a) with respect to new matter as well as the corresponding rejection under 35 U.S.C. §112, first paragraph.

With respect to the objection to the specification under Rule 71 and the corresponding rejection of Claims 15-17 under 35 U.S.C. §112, first paragraph, the Examiner is respectfully referred to Figures 2 and 5 and further to the paragraph bridging pages 5 and 6 and the first full paragraph of page 6. It is respectfully submitted that this supports the claim language regarding the longitudinal slit. It is therefore respectfully submitted that this objection and rejection are overcome.

The Office Action rejected Claims 13 and 14 under 35 U.S.C. §102(b) as being anticipated by the Suga reference (U.S. Patent No. 5,109,654). Similarly, the Office Action

rejected Claims 18-20 under 35 U.S.C. §103(a) as being obvious over the Suga reference in view of alleged admitted prior art; rejected Claims 13-17 under 35 U.S.C. §103(a) as being obvious over the Leino reference (U.S. Patent No. 4,970,846) in view of the Fujiwara reference (U.S. Patent No. 6,119,435) or the Cassoli reference (U.S. Patent No. 4,679,379) or the Fujiwara reference or the Cassoli reference in view of the Leino reference (U.S. Patent No. 4,970,846); rejected Claims 18-20 over the same combination of art over which Claims 13-17 were rejected and further in view of alleged admitted prior art.

At the outset, it is respectfully submitted that the Suga reference uses pipes, rather than the “guide bars” of independent claim 13, that deliver air to keep the film in position to receive the product. See, for instance, the Abstract of the Disclosure of the Suga reference. It is further respectfully submitted that there is nothing in the prior art which would disclose or suggest the substitution of guide bars for gas pipes. It is therefore respectfully submitted that all rejections based on the Suga reference are overcome.

Similarly, the Leino reference, lacks guide bars which “guid[e] longitudinal side marginal portions of said film ... onto a conveyor to form a product receiving film surface on said conveyor”. Rather, the guide bars of the Leino reference are positioned on either side of the tray containing the chicken parts in order to guide the tray and do not guide the film with respect to a forming box or even a product. Even if further guide bars were added to the Leino reference, the guide bars would be positioned in front of the forming box rather than after the forming box. In short, the Leino reference does not provide for guide bars to guide the film because the film is already sealed around the product. It appears from the description in the first full paragraph of column 2 of the Leino reference that there would be no reason for a person of ordinary skill in the art to add guide bars to the Leino reference. It further appears that there is nothing in the

prior art which would suggest to one of ordinary skill in the art to, after somehow being led to incorporate elements of the Fujiwara or Cassoli references into the Leino reference, further teach the reversal of the upward folding operation to a downward folding operation.

Therefore, while these references may appear to have somewhat similar individual components, these references have widely different configurations and their combination with regard to certain features would inevitably result in conflicts of purpose.

It is therefore respectfully submitted that all rejections based on the Leino reference are overcome.

Moreover, the Applicant respectfully traverses the allegations in the Office Action of admissions of prior art. It is respectfully submitted that any presence of transverse or longitudinal zippers in unrelated disclosures in the prior art is meaningless. In other words, knowledge of a transverse zipper in one process does not make obvious in a totally different process.

Finally, it is respectfully submitted that, as Claim 13 has been amended to resolve the “new matter” rejection, the various rejections starting after the horizontal line on numbered page 7 are moot.

It is therefore respectfully submitted that all the rejections of the Office Action have been overcome.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to

withdraw the rejections of the claims, to enter this amendment, to allow the claims, and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald E. Brown", with a long horizontal flourish extending to the right.

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